



COMMONWEALTH of VIRGINIA

CHESAPEAKE BAY LOCAL ASSISTANCE DEPARTMENT

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June 16, 2000

Mr. Robert Moses
Parsons Brinckerhoff
3340 Peachtree Road
Suite 2400
Tower Place 100
Atlanta, GA 30326

R.E: Exemption for Public Roads and their Appurtenant Structures

Dear Mr. Moses:

The Department has considered your recent request regarding the requirements of the Chesapeake Bay Preservation Act (Bay Act) and the Chesapeake Preservation Area Designation and Management Regulations (Regulations) as they relate to a study pertaining to the design and construction of a new VDOT weigh station along Interstate Route 64 in Henrico, New Kent, and James City Counties.

Section 9VAC 10-20-150 of the Regulations (administrative waivers and exemptions) exempts construction, installation, operation, and maintenance of public roads and their appurtenant structures. The Department considers VDOT weigh stations to fall within the category of appurtenant structures. Unlike rest areas, maintenance buildings, and residency/headquarters offices, which are constructed primarily outside of the right-of-way to serve people, structures such as guard rails, signs, toll booths and weigh stations are constructed primarily within the right-of-way to serve traffic.

The Regulations condition the exemption such that these projects must follow the requirements established by the Virginia Erosion and Sediment Control Law and the Stormwater Management Act. In addition, the project must "prevent or otherwise minimize (i) encroachment in the Resource Protection Area (RPA) and (ii) adverse effects on water quality." Therefore, you are encouraged to pursue your efforts to obtain the Chesapeake Bay Preservation Area Maps from the local program coordinators to help identify sites where RPAs are present and require consideration in the design of the weigh station.

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As we discussed, the Virginia Erosion and Sediment Control Law and the Stormwater Management Act allow VDOT to enter into annual agreements with the Department of Conservation and Recreation. Under these agreements, site-specific plans must be developed for each project, but there is no formal review requirement. The key thresholds to keep in mind for these programs are: 1) erosion and sediment control plans are required when land disturbance exceeds 10,000 square feet and 2) stormwater management plans are required when land disturbance exceeds one acre and the percent impervious cover is greater than 16 percent.

The Department is more than willing to review any proposed plans to assist you in developing a design that minimizes encroachment into the R.P.A. I hope this response proves helpful to you as you proceed with the study. If I can be of further assistance, or if you have any questions or concerns, please contact me at (804) 786-1801.

Sincerely,

Laura Edmonds
Principal Planner

cc: Robert C. Thompson, P.E., Henrico County
Margaret Guy, New Kent County
Wayland N. Bass, James City County
David Kovacs, Principal Planner, CBLAD
Shepard Moon, Chief of Environmental Planning, CBLAD

